

REMARKS

Claims 1, 3-11, 13-15, 17-30 and 32-45 are now pending in the application. Claims 1 and 39 are now amended. Claim 45 is now added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

TELEPHONIC INTERVIEW

Applicant's representative, Brent G. Seitz, thanks Examiner Araj for the courtesies extended during the telephonic interview of April 3, 2007. During the interview, differences between the cited art and the claims were discussed. No agreements were reached.

REJECTION UNDER 35 U.S.C. § 103

Claims 34-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultheiss et al. (U.S. Pat. No. 6,755,835) in view of Wolf (U.S. Pat. No. 6,629,977), and further in view of Baker et al. (U.S. Pat. No. 5,569,251). This rejection is respectfully traversed.

Section 103 Rejection Of Claim 34 And Those Claims Dependent Therefrom

Claim 34 recites, in part, "threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the intermediate region."

The Schultheiss et al. reference appears to disclose, with reference to Figure 6, a screw head 58 that connects an applicator 76 to a screw 14. The Schultheiss et al. reference fails to disclose or alone suggest "threading a fastening device into a

threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the intermediate region,” as set forth in Claim 34.

The Wolf reference appears to disclose an interference screw and fails to disclose or alone suggest “threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the intermediate region,” as set forth in Claim 34.

The Baker et al. reference appears to disclose mounting an element 12 to bone using an anchor 14 and a screw 24. As illustrated in Figure 2, the screw 24 extends through an intermediate region of the anchor and protrudes from a distal end or tip of the anchor. The Baker et al. reference fails to disclose or alone suggest “threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the intermediate region,” as set forth in Claim 34 (emphasis added).

Combination of the Schultheiss et al., Wolf, and Baker et al. references fails to render obvious Claim 34. Specifically, the Office Action asserts that it would have been obvious to combine Schultheiss et al. and Baker et al. to mount the element of Baker et al. between the screw head 58 and the anchor 14 of Schultheiss et al. However, the Schultheiss et al. reference fails to provide any teaching or suggestion that the screw head 58 can or would be used to mount an element or implant to the anchor 14. If the Examiner disagrees, Applicant respectfully requests that the Examiner specifically identify the portions of Schultheiss et al. that show otherwise. Further, the Baker et al.

reference teaches away from the claimed feature of "the fastening device not extending to the intermediate region" by disclosing the use of a screw 24 that extends beyond a distal end of anchor 14. Again, if the Examiner disagrees, Applicant respectfully requests that the Examiner identify the portions of Baker et al. that disclose otherwise.

As set forth above, combination of Schultheiss et al, Wolf, and Baker et al. fails to render each and every feature of Claim 34 obvious. Therefore, Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection with respect to Claim 34 and those claims dependent therefrom.

Section 103 Rejection Of Claim 39 And Those Claims Dependent Therefrom – New Claim 45

Amended Claim 39, as well as new Claim 45, recites as follows: "a proximal portion between the head and the intermediary portion, the proximal portion is devoid of external threads, the proximal portion has a diameter that is at least approximately the same as a diameter of the external threads of the intermediary portion."

The cited art, alone or in combination, fails to disclose or suggest these features. Therefore, Applicant respectfully requests consideration and allowance of amended Claim 39, as well as those claims dependent therefrom, and new Claim 45.

Support for the amendments of Claim 39 and for new Claim 45 can be found throughout the application as filed. For example, these features are shown in Figure 3D, which illustrates the elected species.

ALLOWED CLAIMS

The Office Action states that Claims 1, 3-11, 13-15, 17, 18 and 42-44 are allowed. However, Examiner Araj indicated to Applicant's representative, Brent G.

Seitz, on March 23, 2007 that all pending claims are in a condition for allowance, except for rejected Claims 34-41. Applicant thanks the Examiner for acknowledging the allowable subject matter of these claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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